



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB3111

by Rep. Emily McAsey

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-39001  
735 ILCS 5/5-105.5

from Ch. 34, par. 5-39001

Provides that the Act may be referred to as the Access to Justice Act of 2013. Amends the Counties Code. Provides that county law library facilities may include self-help centers and other legal assistance programs for the public as part of the services it provides on-site and online, the expense of which shall be borne by the county. Amends the Code of Civil Procedure. Changes the definition of "civil legal services provider", "eligible client", and "indigent person" and defines "court-sponsored pro bono program" as a pro bono program established by or in partnership with a court in this State for the purpose of providing free civil legal services by an organized panel of pro bono attorneys. Makes a provision regarding the waiver of fees and costs relating to filing, appearing, transcripts on appeal, and service of process applicable to representation by attorneys in court-sponsored pro bono programs.

LRB098 10885 HEP 41444 b

1 AN ACT concerning legal assistance.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. This Act may be referred to as the Access to  
5 Justice Act of 2013.

6 Section 5. The Counties Code is amended by changing Section  
7 5-39001 as follows:

8 (55 ILCS 5/5-39001) (from Ch. 34, par. 5-39001)

9 Sec. 5-39001. Establishment and use; fee. The county board  
10 of any county may establish and maintain a county law library,  
11 to be located in any county building or privately or publicly  
12 owned building at the county seat of government. The term  
13 "county building" includes premises leased by the county from a  
14 public building commission created under the Public Building  
15 Commission Act. After August 2, 1976, the county board of any  
16 county may establish and maintain a county law library at the  
17 county seat of government and, in addition, branch law  
18 libraries in other locations within that county as the county  
19 board deems necessary.

20 The facilities of those libraries shall be freely available  
21 to all licensed Illinois attorneys, judges, other public  
22 officers of the county, and all members of the public, whenever

1 the court house is open, and may include self-help centers and  
2 other legal assistance programs for the public as part of the  
3 services it provides on-site and online.

4 The expense of establishing and maintaining those  
5 libraries shall be borne by the county. To defray that expense,  
6 including the expense of any attendant self-help centers and  
7 legal assistance programs, in any county having established a  
8 county law library or libraries, the clerk of all trial courts  
9 located at the county seat of government shall charge and  
10 collect a county law library fee of \$2, and the county board  
11 may authorize a county law library fee of not to exceed (i) \$18  
12 in 2009, (ii) \$19 in 2010, and (iii) \$21 in 2011 and  
13 thereafter, to be charged and collected by the clerks of all  
14 trial courts located in the county. The fee shall be paid at  
15 the time of filing the first pleading, paper, or other  
16 appearance filed by each party in all civil cases, but no  
17 additional fee shall be required if more than one party is  
18 represented in a single pleading, paper, or other appearance.

19 Each clerk shall commence those charges and collections  
20 upon receipt of written notice from the chairman of the county  
21 board that the board has acted under this Division to establish  
22 and maintain a law library.

23 The fees shall be in addition to all other fees and charges  
24 of the clerks, assessable as costs, remitted by the clerks  
25 monthly to the county treasurer, and retained by the county  
26 treasurer in a special fund designated as the County Law

1 Library Fund. Except as otherwise provided in this paragraph,  
2 disbursements from the fund shall be by the county treasurer,  
3 on order of a majority of the resident circuit judges of the  
4 circuit court of the county. In any county with more than  
5 2,000,000 inhabitants, the county board shall order  
6 disbursements from the fund and the presiding officer of the  
7 county board, with the advice and consent of the county board,  
8 may appoint a library committee of not less than 9 members,  
9 who, by majority vote, may recommend to the county board as to  
10 disbursements of the fund and the operation of the library. In  
11 single county circuits with 2,000,000 or fewer inhabitants,  
12 disbursements from the County Law Library Fund shall be made by  
13 the county treasurer on the order of the chief judge of the  
14 circuit court of the county. In those single county circuits,  
15 the number of personnel necessary to operate and maintain the  
16 county law library shall be set by and those personnel shall be  
17 appointed by the chief judge. The county law library personnel  
18 shall serve at the pleasure of the appointing authority. The  
19 salaries of those personnel shall be fixed by the county board  
20 of the county. Orders shall be pre-audited, funds shall be  
21 audited by the county auditor, and a report of the orders and  
22 funds shall be rendered to the county board and to the judges.

23 Fees shall not be charged in any criminal or quasi-criminal  
24 case, in any matter coming to the clerk on change of venue, or  
25 in any proceeding to review the decision of any administrative  
26 officer, agency, or body.

1 (Source: P.A. 96-227, eff. 8-11-09.)

2 Section 10. The Code of Civil Procedure is amended by  
3 changing Section 5-105.5 as follows:

4 (735 ILCS 5/5-105.5)

5 Sec. 5-105.5. Representation by civil legal services  
6 provider.

7 (a) As used in this Section:

8 "Civil legal services" means legal services in noncriminal  
9 matters provided without charge to indigent persons who have  
10 been found eligible under financial eligibility guidelines  
11 established by the civil legal services provider.

12 "Civil legal services provider" means a not-for-profit  
13 corporation that (i) employs one or more attorneys who are  
14 licensed to practice law in the State of Illinois and who  
15 directly provide free civil legal services or (ii) is  
16 established for the purpose of providing free civil legal  
17 services by an organized panel of pro bono attorneys.

18 "Court-sponsored pro bono program" means a pro bono program  
19 established by or in partnership with a court in this State for  
20 the purpose of providing free civil legal services by an  
21 organized panel of pro bono attorneys.

22 "Eligible client" means an indigent person who has been  
23 found eligible for civil legal services by a civil legal  
24 services provider or court-sponsored pro bono program.

1 "Indigent person" means a person whose income is 125% or  
2 less of the current official federal poverty income guidelines  
3 or who is otherwise eligible to receive civil legal services  
4 under the eligibility guidelines of the civil legal services  
5 provider or court-sponsored pro bono program ~~Legal Services~~  
6 ~~Corporation Act of 1974.~~

7 (b) When a party is represented in a civil action by a  
8 civil legal services provider or attorney in a court-sponsored  
9 pro bono program, all fees and costs relating to filing,  
10 appearing, transcripts on appeal, and service of process shall  
11 be waived without the necessity of a motion for that purpose,  
12 and the case shall be given an index number or other  
13 appropriate filing number, provided that (i) a determination  
14 has been made by the civil legal services provider or attorney  
15 in a court-sponsored pro bono program that the party is an  
16 indigent person and (ii) an attorney's certification that that  
17 determination has been made is filed with the clerk of the  
18 court along with the complaint, the appearance, or any other  
19 paper that would otherwise require payment of a fee.

20 (Source: P.A. 88-41.)